

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION
CASE NO. 7:22-cv-03738-TMC-KFM

Kelly Dawsey,
Plaintiff,
vs.

Bayerische Motoren Werke
Aktiengesellschaft and BMW
Manufacturing Co., LLC,
collectively d/b/a "BMW Group",
Defendants.

DEPOSITION OF CHRISTINE PETRASCH

DATE TAKEN: August 16, 2023
TIME BEGAN: 9:58 a.m.
TIME ENDED: 6:34 p.m.
LOCATION: Jackson Lewis, PC
15 South Main Street, Suite 700
Greenville, South Carolina 29601
REPORTED BY: Traci L. Barr, RPR

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23 ALSO ATTENDING: Paul Lindemann, Kelly Dawsey

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25

1 One thing during a deposition that always gets
2 people, especially in their first deposition, is I
3 need words as answers. Okay. You're very polite
4 in that you're a head-nodder and you give good
5 visual signals as to whether you understand
6 something, but the court reporter here can only
7 take down words. Okay?

8 A. Okay.

9 Q. So if the answer to my question is yes, then a head
10 nod isn't good enough and an uh-huh isn't good
11 enough because she needs words. So I'm not trying
12 to be argumentative with you when I ask you to
13 please put that in words or can you give an answer.
14 What I typically do is I'll point to that little
15 microphone as just kind of a clue to you to please
16 verbalize whatever it is you want your response to
17 be. Okay?

18 A. Okay.

19 Q. Thank you. All right.

20 During what period of time were you the vice
21 president of human resources for BMW MC?

22 A. I started my assignment first of January 2018, and
23 I left -- the contract was terminated or run out at
24 the 31st of March, '22.

25 Q. I've heard that term "contract" before.

1 A. It was Marlyn Owens.

2 Q. What was her position?

3 A. Assistant. She was my assistant at TX-6.

4 Q. Who is Karl Hacker?

5 A. Karl Hacker, he is a BMW AG OFK in the HR area.

6 Q. Does -- is he a direct report to Ms. Burghardt?

7 Let me ask more specifically.

8 (Exhibit Number 3 marked for
9 identification.)

10 MR. McCOY: I'm going to exercise my right to talk with
11 the witness about this e-mail.

12 MR. MURPHY: So you're taking the position that any
13 document exchanged in discovery that's not
14 specifically identified --

15 MR. McCOY: Identified as an exhibit at least seven days
16 in advance of the deposition we can discuss, yes.
17 Do you want me to get the local rules? We can read
18 it.

19 MR. MURPHY: I know what the local rule says. I -- I
20 don't believe it applies when the documents have
21 been exchanged more than seven days, but if you're
22 going to take that position, I expect you to take
23 that position during Kelly's deposition as well.

24 MR. McCOY: Certainly.

25 MR. MURPHY: Okay. We'll see if it becomes an issue, but

1 Q. Okay. So you succeeded Mr. Hacker?

2 A. Yes.

3 Q. Okay. And in this e-mail, you say, Sherry and
4 Kelly doesn't work. Do you see that?

5 A. Yeah.

6 Q. What did you mean by that?

7 A. At that time, it was clear that Sherry will take
8 over the TX-6 position, and as HR, during my whole
9 assignment here, you have to work with the
10 technologies together because HR is also a support
11 function for the business. And during the whole
12 time, I could feel tension between Sherry and
13 Kelly, and this is what I stated here.

14 Q. Okay. In the next sentence, you say, I had already
15 expected. Do you see that?

16 A. Yes.

17 Q. Okay. So you expected Kelly to leave?

18 A. That's not 100 percent, correct.

19 Q. Okay. Tell me what you meant by it, then.

20 A. So I could feel the tension between both of them.
21 As the decision was clear that Sherry would take
22 over TX-6, I was not sure if they both could have a
23 relationship on a professional level to work
24 together.

25 Q. Did Kelly ever tell you that she could not work

1 with Sherry?

2 A. No.

3 Q. After you say, I had already expected, what did you
4 mean by the rest of that sentence?

5 A. At that time, so it was one day before, it was the
6 3rd of January, I was in Germany on vacation, and
7 Kelly called me during the vacation time and told
8 me that she want to resign or she want to leave the
9 company.

10 Q. Okay.

11 A. I was very disappointed about that because it was
12 during a time where I was not in US. She called
13 me, so we had a phone call about that. I -- in my
14 opinion, if we talk about professional behavior, I
15 would not expect something like that from a
16 department manager because I was on my way back to
17 US at the end of the week anyhow. She informed me
18 that she need to call me because this is a two
19 weeks notice and her last day would be the 14th of
20 January.

21 Q. Why --

22 A. And this is why I said, that's not good, and it
23 gave us real big problems because Eva Burgmeier was
24 not -- at that time, I think she came in January,
25 same time like me. 10th of January, I think, was

1 the Monday, but I would need to check the date
2 again. So -- and this was not enough time for a
3 proper hand-over so that you can bring somebody in
4 the new position. And additionally, we planned
5 Kelly for the 64 function. We were in front of the
6 next change of our organization, and this brought
7 us to the point where we had -- we had, you know,
8 to rethink everything again, and this is why I said
9 it's not good. And we definitely counted on Kelly
10 to take over this huge responsibility we had in 64.

11 (Exhibit Number 4 marked for
12 identification.)

13 MR. McCOY: We need to stop and talk about this one as
14 well.

15 MR. MURPHY: I do want to put on the record, while I
16 don't want to get in any squabbles about that
17 today, the time you spend with her --

18 MR. McCOY: Doesn't count as your time. I understand.

19 MR. MURPHY: Okay.

20 (Recess taken.)

21 EXAMINATION RESUMED

22 BY MR. MURPHY:

23 Q. Back on Exhibit Number 3, you testified a few
24 minutes ago that on January 4th, you were in
25 Germany ; is that correct?

1 A. Yeah. Yes.

2 Q. Okay.

3 A. Sorry.

4 Q. Why were you in Germany on January 4th?

5 A. I was on vacation.

6 Q. When did you leave for that vacation?

7 A. I think it was the 15th of December.

8 Q. Did you leave for vacation prior to Thanksgiving?

9 A. When was Thanksgiving? Sorry.

10 Q. Thanksgiving is in November, late November.

11 A. Say your question again.

12 Q. Late November. Were you on vacation during

13 Thanksgiving, late November, of 2021?

14 A. I cannot recall.

15 Q. Do you believe you were in the states in early

16 December of 2021?

17 A. What do you mean with "believe"?

18 Q. Were you in the United States in early December of

19 2021?

20 A. If I recall correctly, yes.

21 Q. While you were at BMW MC, did you also take

22 holidays for the month of August?

23 A. I do not recall.

24 Q. Going to Exhibit 4, the top e-mail is dated January

25 7, 2022; is that correct?

1 A. Yes.

2 Q. Okay. Who sent that e-mail?

3 A. So what I can see here is it was from Ilka
4 Horstmeier.

5 Q. Who did she sent it to?

6 A. To Barbara Burghardt.

7 Q. Okay. That's her boss, right?

8 A. Ilka Horstmeier is the boss of Barbara Burghardt.

9 Q. Okay. And both of them work for BMW AG; is that
10 correct?

11 A. Yeah. Yes.

12 Q. Okay. And Ms. Horstmeier is responding to an
13 e-mail that Ms. Burghardt sent her, correct, on
14 January 4?

15 A. That's correct.

16 Q. Okay. And Ms. Burghardt was forwarding to Ms.
17 Horstmeier an e-mail she received from Uwe Bald of
18 January 4 regarding Kelly Dawsey, correct?

19 A. Correct.

20 Q. And Mr. Bald was forwarding an e-mail you sent to
21 him, Claudia, and Eva on January 4?

22 A. Yeah. Correct.

23 Q. Who is Uwe Bald?

24 A. Uwe Bald is a direct report to Barbara Burghardt.
25 He's what Claudia Koepnick is, what we just

1 TX-64 there are two possibilities.

2 Do you see that?

3 A. Yes.

4 Q. Okay. Do you see the parenthetical that's at the
5 end of that paragraph?

6 A. Where are you?

7 Q. On the same paragraph. It begins, for TX-64 there
8 are two possibilities.

9 Tell me if I'm reading it correctly.

10 You gave an A possibility and a B possibility, and
11 then you give a parenthetical that says, this will
12 certainly only be an FE-4 function.

13 A. Uh-huh.

14 Q. Do you see that?

15 A. Yeah.

16 Q. Okay. What does FE mean?

17 A. FE is -- stands for function level.

18 Q. And that's a reference to the TX-64 position,
19 correct?

20 MR. McCOY: Object to the form.

21 EXAMINATION RESUMED

22 BY MR. MURPHY:

23 Q. That whole paragraph is discussing the TX-64
24 position?

25 MR. McCOY: Object to the form.

1 Do you know of anyone at BMW MC who ever served on
2 the FLIV Approval Committee?

3 A. I don't know.

4 Q. Is Exhibit 6 an example of part of the master
5 structure that you were referring to?

6 A. So to answer correctly, the master structure has
7 nothing to do with grading. So the master
8 structure is the structure how you would organize
9 an HR organization. This is not linked to grading.

10 EXAMINATION RESUMED

11 BY MR. MURPHY:

12 Q. Okay. Can you name for me anyone who has served on
13 -- well, strike that.

14 The document we marked as Exhibit Number 6
15 discusses an FLIV Approval Committee.

16 Is there an FLIII Approval Committee?

17 A. I don't know the structure right now. I don't know
18 which structure they have.

19 Q. Are you aware of an International Grading Committee
20 at BMW AG or BMW Group?

21 MR. McCOY: Object to the form.

22 You can answer, Christine.

23 THE DEPONENT: We have one department in Germany
24 responsible for grading, but I do not know what
25 kind of structure they have.

1 EXAMINATION RESUMED

2 BY MR. MURPHY:

3 Q. Okay. What's the name of that department?

4 A. It's part of the P zed or the PZ department.

5 (Discussion held off the record.)

6 EXAMINATION RESUMED

7 BY MR. MURPHY:

8 Q. It's part of P zed?

9 A. Uh-huh.

10 Q. Okay. So would it be somebody who reports to Mr.
11 Batz?

12 A. Yeah.

13 Q. Do you know, in 2021, who that person was at BMW AG
14 who reported to Mr. Batz who was responsible for
15 grading?

16 A. I don't know.

17 (Exhibit Number 7 marked for
18 identification.)

19 MR. McCOY: We'll take just a minute to talk about this
20 one off the record.

21 (Recess taken.)

22 EXAMINATION RESUMED

23 BY MR. MURPHY:

24 Q. Ms. Petrasch, do you recall the e-mails that we've
25 marked as Exhibit Number 7?

1 A. We combined it with the payroll we do for
2 everybody.

3 Q. Okay. So who was on OFK payroll that was being
4 handled by TX-620?

5 A. All the MC OFKs.

6 Q. Okay. And who was that in 2021?

7 A. I do not know all of them because --

8 Q. Well, you were one, right?

9 A. I was one. I was on the list.

10 Q. I assume Dr. Engelhorn was?

11 A. Also.

12 Q. Okay. Anybody else?

13 A. The whole senior management on an OFK level.

14 Q. All the level 2s?

15 A. All the level 2s with a personal grade OFK.

16 Q. In recruiting, TX-66, why is that in orange?

17 A. This is in orange because we had the discussion
18 that we had to hire so many people. So because of
19 the development of our business and all what we had
20 plans for, we were not sure if we can combine it
21 and keep it in one area or we split it and --
22 because it was such an important function at that
23 time, so we split it and make it as a direct report
24 to TX-6, and we decided here that we set up
25 diversity inclusion equity also as a special topic,

1 organizational chart here is a proposal.

2 Q. Right. Is the light-shaded boxes, for example, you
3 read from a promotion for Tina under TX-62, is that
4 the succession planning that was done by -- in the
5 meeting with Mr. Epps and Dr. Engelhorn?

6 A. No.

7 Q. In the light-shaded boxes, are these individuals
8 who were the possible successors or the planned
9 successors for each position?

10 A. No. These are -- this is not something about a
11 succession plan. These are my remarks, what I need
12 to do if I would work further on this proposal.

13 Q. Let's look under the TX-60 group. You have, expat
14 Stephan Dombrowski will return to Germany mid 2021.
15 Do you see that?

16 A. Yeah.

17 Q. Then the next entry is, no further expat planned.
18 Do you see that?

19 A. Yes.

20 Q. What did you mean by that?

21 A. Within Kelly's team, she had Stephan Dombrowski as
22 an expert on her team. Stephan's contract ended
23 mid of 2021, and so he returned to Germany, and for
24 his replacement, there was no further expat planned
25 at that time for Stephan Dombrowski's replacement,

1 and we had a local successor for this position. It
2 was Michael Davis. This was an idea.

3 Q. So where it says, local successor Michael Davis
4 PG-8, that was a possible successor to Mr.
5 Dombrowski?

6 A. Yeah. This was the information Kelly gave me.

7 Q. Under Corey Epps, it says, first and only minority
8 candidate within HR first line.

9 A. Uh-huh.

10 Q. Under it says, good market value, more offers on
11 FEIII.

12 What does that mean?

13 A. So Corey Epps had a very good market value. This
14 means that a lot of level 2 people, OFKs, were
15 interested to get him into positions, so he got
16 offers for TX-45, rework. He got an offer for
17 TX-16. He got -- he did some interviews because he
18 was always interested to have this good market
19 value so that people -- OFKs would pull him. He
20 also had interviews with TV-5 for the TV-54
21 function. So he had plenty of offers to go on a
22 function -- level 3 function.

23 Q. It says, very important to keep him in that HR
24 position/signal.

25 What does that mean?

1 A. This means that we were very happy to develop a
2 minority candidate. Also, within HR, this was the
3 first time where we had minority candidate on the
4 -- how to say -- first line, HR first line, and
5 this is why we said it is very helpful for us to
6 keep him to show that we also develop
7 African-American people.

8 Q. What does the word "signal" mean?

9 A. This means that it would show -- this would be a
10 signal also for other technologies, you know, that
11 we have somebody and developed somebody on that
12 level.

13 Q. A minority?

14 A. Uh-huh.

15 Q. Ma'am?

16 A. Yes.

17 Q. Thank you.

18 Did you ever see a succession plan that came out of
19 the meeting involving Mr. Epps, Dr. Engelhorn, and
20 the OFKs or level 2 executives in which Ms.
21 Burgmeier was ever listed as a successor to -- or
22 possible successor to Ms. Dawsey --

23 MR. McCOY: Object to the form.

24 EXAMINATION RESUMED

25 BY MR. MURPHY:

1 comparison was -- what was her name? Steffick
2 [phonetic], Natalie Steffick maybe. Maybe the
3 first name is wrong. She was, at that time, part
4 of PM-3, and I think this was the counterpart -- if
5 I'm correct now, if I remember correctly, this was
6 the coordinator for this project, and I think Kelly
7 was working with her. I don't know anybody else
8 Kelly was working with.

9 (Exhibit Number 15 marked for
10 identification.)

11 EXAMINATION RESUMED

12 BY MR. MURPHY:

13 Q. Ms. Petrasch, we handed you a 3-page document, BMW
14 MC 310 to 312.

15 What is a Job Function Data Sheet?

16 A. A Job Function Data Sheet is a sheet which
17 describes the function -- the function with -- you
18 see it is structured in position, the purpose, the
19 responsibilities. This is why we talked before
20 about the eight ich u.a. furs, or TCRs, so that you
21 know what's in the job.

22 Q. Okay. And this is the Job Function Data Sheet for
23 TX-61, correct?

24 A. Here as department code is TX-61 on the sheet.

25 Q. Okay.

1 A. But if you see the position and the purpose, it
2 includes here recruiting, and it was -- recruiting
3 was not part of the 61 function.

4 Q. Well, this was an approved revision from March 1,
5 2020. Do you see that?

6 A. At 2020, we had recruiting in there.

7 Q. Okay. And who was in TX-61 in March of 2020?

8 Well, the form is dated March 1, 2020.

9 Do you see the revision date 10/24/21 at the top of
10 the table?

11 A. Yeah.

12 Q. Okay. So on October 24, 2021, who was in TX-61?

13 A. October 10, '21? This was -- I think it was Corey
14 Epps, if I'm correct.

15 Q. Okay. Do you know why the Job Function Data Sheet
16 was revised as of October 21 -- excuse me --
17 October 24, 2021?

18 A. No, I don't know.

19 Q. And what is the function level for that job as of
20 October 24, 2021?

21 A. It is stated here it's function level 4.

22 Q. Do all positions under TX-6 have a function level
23 assigned to them?

24 A. You have positions, jobs, and if a job is stable,
25 then you do a grading for this function. Stable

1 EXAMINATION RESUMED

2 BY MR. MURPHY:

3 Q. Ms. Petrasch, can you identify the document that's
4 marked BMW AG 75 through 77?

5 A. No, not really. No.

6 Q. Okay. Looking at the first page of it, do you know
7 what PE-TAG stands for?

8 A. This is what we discussed before. It's a personal
9 development day where you share information, you
10 talk about candidates.

11 Q. I remember the term "PE day".

12 A. It's PDD, how we call it here, personal development
13 day, and PE-TAG is the same in AG.

14 Q. Okay. So PE-TAG is PE day, which is the same as
15 PDD?

16 A. Yes.

17 Q. And P Kreis, you laughed at me before for
18 mispronouncing that. I think you've told me.
19 What does that mean?

20 A. P Kreis, it's the P circle, and we just went
21 through it is Ilka Horstmeier, with her direct
22 reports.

23 Q. Which would be Ms. Burghardt?

24 A. Ms. Burghardt, Mr. Batz.

25 And Claudia Koepnick, PM-6, is HR management for

1 the HR people, and this is why she is preparing
2 information like that. Like the Corey Epps
3 function, the PDD, he's preparing this for us, MC,
4 and PM-6 is preparing all the information for this
5 PE-TAG.

6 Q. Pages 76 and 77, do you see those?

7 A. Yeah.

8 Q. Okay. This long word at the top, N-A-C-H-F-O-L-G-E
9 --

10 A. Uh-huh.

11 Q. I bet I can guess the second part, but can you tell
12 me what that word means together?

13 A. It's succession planning.

14 Q. And is this a document that was created in the
15 meeting with -- that Mr. Epps has with Dr.
16 Engelhorn and the level 2s?

17 MR. ROZELSKY: Object to the form.

18 EXAMINATION RESUMED

19 BY MR. MURPHY:

20 Q. A while back, you were telling me about a
21 succession plan meeting that Corey Epps has with
22 Dr. Engelhorn and the level 2s?

23 A. Uh-huh.

24 Q. Do you remember that?

25 A. Yeah.

1 Q. Is document 76 and 77 an example of the document
2 that comes from that?

3 A. No.

4 Q. Okay. Do you know who created 76 and 77?

5 A. No.

6 (Exhibit Number 19 marked for
7 identification.)

8 MR. McCOY: We'll discuss this one as well.

9 (Recess taken.)

10 EXAMINATION RESUMED

11 BY MR. MURPHY:

12 Q. Ms. Petrasch, do you recall the e-mail that's on
13 the first page of Exhibit 19, which is BMW MC 464?

14 A. Yeah.

15 Q. Okay. And this is an e-mail you sent to Ms.
16 Burgmeier and Ms. Koepnick, correct?

17 A. Yeah. Uh-huh.

18 Q. Okay. And you're telling them, here is my revised
19 version?

20 A. Yeah.

21 Q. Okay. And is that a reference to the last two
22 pages of this exhibit?

23 A. 19?

24 Q. Of 19, yes.

25 A. Yes.

1 discussions about that.

2 Q. Did you tell Kelly Dawsey that you wanted to move
3 her to TX-61 to make sure she stayed at level 3?

4 A. Say it again. Maybe rephrase it for me.

5 Q. Let me try it again.

6 Did you tell Ms. Dawsey that you planned to move
7 her to TX-61 so that she remained at level 3?

8 A. So Kelly Dawsey was a candidate for 61 because of
9 her competences she developed within TX-60 and as
10 next -- potential next step.

11 Q. That wasn't my question.

12 My question is, did you tell Kelly Dawsey that you
13 planned to move her to TX-61 to make sure she
14 stayed at a level 3?

15 A. I do not understand the last part where you say to
16 ensure that she stayed on a level 3, because this
17 was a level 3 function, not graded finally in the
18 new organization.

19 Q. Well, I'm not asking how it was graded. I'm asking
20 whether you said it or not.

21 Did you tell Kelly Dawsey that you planned to move
22 her to TX-61 so she would stay at level 3?

23 A. No.

24 Q. Okay. Under Corey Epps, you state that it would be
25 a short-term change to TX-64; is that correct?

1 A. This is what I wrote down at that time.

2 Q. Okay. Why did you say it would be a short-term
3 change to TX-64 for Corey Epps?

4 A. Because, at that time, we had in the succession
5 planning for Corey Epps -- you remember we had --
6 he has a good market situation, so we got a lot of
7 questions from other technologies if they could
8 have him for positions like the TX-16 position, the
9 TV-54 position. This is why, for me, it was not
10 clear, because if somebody would take him, and he
11 would like to go in such a position, it could be
12 that it is only for a short time. This is why I
13 mentioned this here.

14 Q. Is TX-16 logistics?

15 A. TX-16 is logistics.

16 Q. And TV-54?

17 A. Is also a logistic function for our warehouses.

18 Q. Are those level 3 positions?

19 A. Yeah.

20 Q. Under TX-60, why is Alexander Seefelder's name
21 listed under Eva Burgmeier?

22 A. So BMW AG collected candidates for this position,
23 and the name Alexander Seefelder -- and you see him
24 in gray -- was, in Germany, mentioned for an
25 international assignment. He was not available,

1 EXAMINATION RESUMED

2 BY MR. MURPHY:

3 Q. Ms. Petrasch, can you identify the document we've
4 marked as Exhibit 20, which is BMW MC 103 to 107?

5 A. Uh-huh. Yes.

6 Q. And what is that?

7 A. This is a Portfolio 2020 for Kelly Dawsey.

8 Q. Okay. And is this the document you used to
9 evaluate and grade her performance for the period
10 covered by the portfolio?

11 A. You evaluate her performance, yeah.

12 Q. Okay. And the overall appraisal you gave her was a
13 4, or exceeds requirements; is that correct?

14 A. Uh-huh. Yes.

15 Q. Okay. In 2020, did you give any other direct
16 report of yours a 4, or exceeds requirements?

17 A. I cannot remember.

18 Q. Okay.

19 (Exhibit Number 21 marked for
20 identification.)

21 EXAMINATION RESUMED

22 BY MR. MURPHY:

23 Q. I've given you documents marked BMW MC 98 through
24 102 marked as Exhibit 21.

25 Is this your evaluation for Ms. Dawsey in 2019?

1 A. Yes.

2 Q. And here, you gave her, under target achievement, a
3 4, and leadership behavior 3.

4 Do you see that overall?

5 A. Yeah.

6 Q. Do you know whether you gave any of your direct
7 reports as good or better a rating than you gave
8 Ms. Dawsey?

9 MR. McCOY: Object to the form.

10 You can answer, Christine.

11 EXAMINATION RESUMED

12 Q. I'll break it down.

13 Did anybody get a better appraisal in 2019 than
14 Kelly Dawsey?

15 A. I cannot remember, but we had -- I think -- no, I
16 cannot remember. Keep it like that.

17 Q. Okay. That's fine.

18 What was the first point in time anybody ever
19 discussed with you the possibility of moving
20 somebody from Germany into the TX-60 position?

21 MR. ROZELSKY: Object to the form.

22 THE DEPONENT: I think it was Robert, after he arrived in
23 Greenville.

24 EXAMINATION RESUMED

25 BY MR. MURPHY:

1 Q. Dr. Engelhorn?

2 A. Dr. Engelhorn, yes.

3 Q. Okay. What did Dr. Engelhorn say?

4 A. He started his assignment beginning of September.

5 He was here in August, and we had the first meeting

6 together, and we talked about TX-6. We talked

7 about the current situation, and he told me that we

8 need to work on my contract situation, because my

9 contract was ending end of '21, and we need to

10 clarify the succession for the TX-6 position, and

11 he told me that he met Eva Burgmeier. He gave me

12 this name and said that -- so in all these

13 conversations, he told me that, in China, he had a

14 very good example or structure. He felt very

15 confident to work with a local TY, so head of HR,

16 together with somebody who is -- can act like a

17 bridge to Germany, and this is where he brought Eva

18 up.

19 Q. Okay. Did you ever interview Eva Burgmeier for the

20 TX-60 position?

21 A. We had after that -- after he brought up the name,

22 we had a meeting, and we had an interview.

23 Q. Who is "we," we had a meeting?

24 A. Eva and I together.

25 Q. Did you meet with her in person?

1 Q. You say she studied law. Where did she study law?

2 A. In Germany.

3 Q. Did she ever study any American law?

4 A. No.

5 Q. Does a TX-60 position deal at all with German law?

6 A. No.

7 Q. What's her Master of Arts in?

8 A. I cannot remember.

9 Q. Does it relate to anything -- strike that.

10 Did her Master of Arts degree relate to any
11 disciplines or functions that are performed by the
12 TX-60 position?

13 MR. McCOY: Object to the form.

14 You can answer, Christine.

15 THE DEPONENT: Maybe you can rephrase it for me.

16 EXAMINATION RESUMED

17 BY MR. MURPHY:

18 Q. Is there anything about the Master of Arts degree
19 that Ms. Burgmeier had that qualified her for
20 TX-60?

21 MR. McCOY: Object to the form.

22 You can answer, Christine.

23 THE DEPONENT: I think the whole CV qualified her for
24 TX-60.

25 EXAMINATION RESUMED

1 THE DEPONENT: I think this is -- if you study Master of
2 Arts, so if you have business administration, this
3 gives you a very good overview what you have to do
4 in functions like that, planning and steering.

5 EXAMINATION RESUMED

6 BY MR. MURPHY:

7 Q. Did she have any experience in planning and
8 steering for BMW MC?

9 A. What do you mean with planning and steering for BMW
10 MC?

11 Q. Did she have any experience in dealing with BMW MC
12 prior to becoming TX-60?

13 A. So the planning and steering people, they also have
14 networks where they exchange, do information
15 sharing, talk about their projects, share
16 initiatives, and Eva Burgmeier was part of that
17 during the planning and steering time in the plant
18 in Germany, and they also had international
19 conferences, and this is where they exchanged
20 information, best practice ideas, so this is where
21 she was part of this network.

22 Q. Prior to taking the TX-60 job at BMW MC, had Ms.
23 Burgmeier ever been to the United States?

24 MR. McCOY: Object to the form.

25 You can answer, Christine.

1 THE DEPONENT: I don't know.

2 EXAMINATION RESUMED

3 BY MR. MURPHY:

4 Q. Was Eva Burgmeier the only name that Dr. Engelhorn
5 gave you?

6 A. Yes.

7 Q. Did you ever ask Kelly Dawsey about Eva Burgmeier?

8 A. No.

9 Q. Why not?

10 A. There was no reason.

11 Q. Did you have any discussions with Corey Epps about
12 Ms. Burgmeier taking the TX-60 job?

13 A. If I remember correctly, yes, because Corey was my
14 HR management partner for that level.

15 Q. When did you have discussions with Mr. Epps?

16 A. I cannot recall. During that time, I got the
17 information about Eva, after that, but I did not
18 talk about content of 60 or whatever. So we talked
19 about Eva as a person, because he had to know this
20 as HR management. It is his responsibility as 61.

21 Q. But you weren't telling him what position you were
22 considering her for or BMW was considering her for?

23 A. I cannot remember. We talked about Eva, but I
24 cannot remember if we talked about that.

25 Q. What did Mr. Epps say about Eva?

1 A. I informed him about this topic.

2 Q. What did you say to him?

3 A. I -- I don't know. I cannot recall.

4 Q. Did you get input or advice from Mr. Epps about Ms.
5 Burgmeier becoming the new TX-60?

6 A. No.

7 Q. Do you know anybody else who interviewed Ms.
8 Burgmeier other than yourself?

9 A. Dr. Engelhorn.

10 Q. Anybody else?

11 A. I don't know.

12 Q. Are you aware of Dr. Engelhorn ever interviewing a
13 candidate for a level 2 or level -- excuse me.
14 Strike that.

15 Are you aware of Dr. Engelhorn ever interviewing a
16 candidate for a level 3 or level 4 position within
17 HR other than Ms. Burgmeier?

18 MR. McCOY: Object to the form.

19 You can answer, Christine.

20 THE DEPONENT: I don't know.

21 EXAMINATION RESUMED

22 BY MR. MURPHY:

23 Q. Did you discuss with Ms. Dawsey the possibility of
24 her taking the TX-61 position?

25 A. Yes.

1 BY MR. MURPHY:

2 Q. What is the name of this living document?

3 A. It's called succession planning, and this is what
4 we do here within MC, and we do it on each level,
5 and all our direct reports are the reports we
6 discuss in senior management with the CEO and the
7 level 2 people, and we do it regularly because we
8 have a lot of changes. People are moving. We have
9 changes. People are moving out.

10 Q. We don't need to go into that. I'm asking about a
11 document.

12 A. But this is what I want to tell you. Give me one
13 second.

14 The second thing is documents like this is if you
15 have a concrete situation where you need to move
16 people. This is the difference. So the one is a
17 general list where you collect ideas, and the other
18 one is so there is something ongoing, and then you
19 make a concrete proposal.

20 Q. Okay. Let's use that term "concrete proposal".
21 Prior to Dr. Engelhorn giving you Ms. Burgmeier's
22 name, did you ever make a concrete --

23 A. Burgmeier.

24 Q. Burgmeier. What did I say?
25 Prior to Dr. Engelhorn giving you Ms. Burgmeier's

1 name, did you ever make a concrete proposal to move
2 Kelly Dawsey out of TX-60?

3 A. No.

4 Q. Prior to Dr. Engelhorn giving you Ms. Burgmeier's
5 name, did you ever discuss with Kelly Dawsey any
6 concrete proposal or plan to move her out of TX-60?

7 MR. McCOY: Object to the form.

8 You can answer.

9 THE DEPONENT: Thank you.

10 We -- so if we talk about succession planning, MC,
11 the result of this round is what we already
12 discussed together, so this is where I give
13 feedback to all my people and also to Kelly to say,
14 this is the feedback, this is what it is, these are
15 positions we considered, and this is where we
16 talked about other positions.

17 EXAMINATION RESUMED

18 BY MR. MURPHY:

19 Q. This document we've been talking about, the second
20 page of Exhibit 19, you had Kelly was a possible
21 candidate for TX-71, or Gene Ko's position,
22 correct?

23 A. Yeah. Uh-huh.

24 Q. Did you ever have a discussion with Kelly Dawsey in
25 which you told her she was a candidate for TX-71?

1 I'm just asking, at any point in time, did you ever
2 have any discussion in which Ms. Burghardt conveyed
3 to you her perceptions of Kelly Dawsey's
4 performance in TX-60?

5 A. Yes, but you need to understand, nevertheless, the
6 process when it was.

7 Q. Okay. That's fine. You've answered my question,
8 so you're free to explain.

9 A. As I came to Spartanburg beginning of 2018, we had
10 discussions with all the direct reports at that
11 time, and the first time there was the situation
12 that we also -- I also discussed with Kelly about
13 where he would foresee her future, what are her
14 plans, and she told me, at that time, she would be
15 interested in the TX-6 position. So we had a
16 discussion on that to say what it needs to become
17 -- to come onto a next level, and we were -- during
18 the next time or -- and time is not the next week
19 only. So the next years, we were working on this
20 topic if Kelly could be a potential candidate for
21 TX-6, so -- and this was part of senior management
22 portfolio, or PDD to get a better understanding or
23 feedback for Kelly, and this was something so where
24 I tried to help Kelly to get a platform exposure,
25 experience with people who would be relevant in

1 this process, and this was where we had -- if we
2 had visitors here --

3 Q. Sorry. If we had what?

4 A. Visitors, people coming.

5 Q. Visitors.

6 A. Okay. That I try -- beside exposure in project and
7 tasks where she could show up at BMW MC, I tried to
8 connect her to at least to her exchange with
9 relevant people also from AG, and Barbara Burghardt
10 was one where Kelly had an interview. It was not
11 an interview. It was an exchange. It was, I
12 think, Andreas Batz, so that she had the chance to
13 talk to them, so -- and this is where I got
14 feedback about Kelly.

15 Q. When were Ms. Burghardt and Mr. Batz in
16 Spartanburg?

17 A. I cannot recall when it was. It was definitely
18 before COVID, because during COVID, it was
19 difficult to travel, so must have been '18 or '19.

20 Q. What feedback did you get?

21 A. The feedback I got was that they would not see
22 Kelly on the next level.

23 Q. And why is that important whether Ms. Burghardt or
24 Mr. Batz could see Kelly at the next level?

25 A. This is not -- so you asked me about the feedback,

1 so I -- only for clarification, this is not only
2 feedback for Barbara Burghardt or Andy Batz. This
3 is also feedback from senior management during the
4 whole process.

5 Q. Who in senior management?

6 A. Senior management, as we discussed before, the part
7 is the portfolio round. It is the CEO. At that
8 time, it was Knudt Flor, with his level 2 managers.

9 Q. Well, I'm just asking you about Ms. Burghardt and
10 Mr. Batz.

11 Is it important whether or not they see Kelly at
12 the next level?

13 A. Look, there is a process which we call nomination,
14 so if you want to become a manager on the next
15 level, you need to run through a nomination
16 process, and you need to run through an assessment
17 center.

18 Q. Assessment center?

19 A. Uh-huh.

20 Q. Ma'am, is that right?

21 A. Assessment center.

22 Q. Okay.

23 A. So -- and this is where you meet higher-level
24 managers, so OFKs talking to you in a very
25 structured process to figure out if they would see

1 you as a candidate or not, and this is why it is
2 important that you have a good network at BMW, you
3 have a good platform where you know people, people
4 know you to really get a feeling about you as a
5 person, your attitude, how do you deal with this,
6 what is -- to get to know you, and this is why it
7 is important that you have people that know about
8 your performance, they know about what you do, and
9 they know you.

10 Q. Who manages the nomination process at BMW?

11 A. So if it comes to a level 2 position OFK, we have
12 HR management for upper managers.

13 Q. And what -- who is that?

14 A. Heike Schniivies.

15 Q. Can you spell it, please?

16 A. H-E-I-K-E S-C-H-N-I-I-W-I-E-S.

17 Q. Okay. Is that a male or female?

18 A. She's a female.

19 Q. Okay. I'm not good at picking up the gender from
20 the names, obviously.

21 A. That's fine.

22 Q. And then you threw me a curve ball earlier on
23 Eszter.

24 A. But they are responsible for the OFK positions, so
25 if you want to get into this and you asked me about

1 who is responsible for nomination.

2 Q. Yes.

3 A. So this is a process for the whole group.

4 Everybody has the same process.

5 Q. Okay.

6 A. So we also have it at BMW MC, and the process is

7 you talk about people in the portfolio process.

8 You nominate somebody. So I would need to bring up

9 Kelly, and then the circle, senior management,

10 which it would be Knudt Flor with all his level 2,

11 have a discussion on that if we would see her or

12 not.

13 Q. Heike Schniivies, where does she work?

14 A. BMW AG.

15 Q. And do you know what position or who she works for,

16 what group?

17 A. She is level 1.

18 Q. She's a level 1?

19 A. Uh-huh.

20 Q. Okay. Do you know what her position is called?

21 A. HR management for OFKs. I think it's HR management

22 for -- I would need to check. I can clarify this

23 afterwards, but I would say for OFKs.

24 Q. Would she be a peer of Ms. Horstmeier?

25 A. She would be a peer of Dr. Engelhorn.